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09/603,601	06/26/2000	James D. Marks	30421/1G691-US2	3416

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EXAMINER

MOFIZ, APU M

ART UNIT	PAPER NUMBER
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2165

DATE MAILED: 05/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/603,601

Applicant(s)

MARKS, JAMES D.

Examiner

Apu M. Mofiz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/29/2004 & 02/01/2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14, 23-40, 51, 52 and 57-60 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-14, 23-40, 51, 52 and 57-60 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 26 June 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Examiner's Response to Applicant's Remarks

1. Applicant's amendments and arguments submitted on November 29, 2004 and February 01, 2005 with respect to claims 1-14, 23-40 and 51-52 and newly added claims 57-60 have been acknowledged and reconsidered but are not deemed persuasive for the reasons set forth below.

Examiner's Responses to Applicant's Remarks (pages 10-13) are listed below:

2. Applicant argues (under REMARKS section) that, Douglas or Liles do not teach "providing a question and answer forum on the network site for access by at least one user and at least one expert, the forum having a topic; receiving a question generated by a user during the forum and providing the user generated question to the expert;"

Examiner respectfully disagrees. Douglas teaches:

"accepts the input of the current health data for these patients; enables the review of these health records by a physician; enables the performance of aggregate reviews of such records by health plan payors, such as HMOs, insurance companies, and large self-insured employers; and motivates the patient to comply with the program and make necessary lifestyle changes through an integrated system of interactive graphical interfaces." ... "By providing several channels of continuous feedback among the patient, physician, professional case advisor, and health plan payor through custom designed interfaces, the system helps enhance patient compliance with the behavior modification program, and can make the overall health care system more efficient." ... "To use the program, the patient logs into the system network via telephone line, cable modem, cellular connection, satellite

link or other communication method that allows for a connection into a **network server**.” ... “the system offers an **electronic meeting room** and group support room interfaces via meeting room icon 96 through which a patient receives on-going, on-line group support. Putting a patient in contact with people with the same or similar problems through group counseling has clinically-proven therapeutic benefits. The system facilitates this process through the use of electronic and on-line technologies.” ... “**A trained, experienced leader or chairperson 114 is an important part of these group counseling sessions. It is the chairperson’s responsibility to guide the discussion and encourage participation from all members.**” ... “**The chairperson can also cut somebody off electronically if he or she is saying things that are inappropriate. In the preferred embodiment, a participant 112 “speaks” during the meeting by entering text at 122.**” ... “each participant 112 may participate at the meeting by talking into a microphone connected to his or her PC. And listening to the other participants via speakers also connected to the PC.” ... “The multimedia presentations shown at the meetings may feature well-known or public figures and other patients who may have dealt with the same issues that the participants that the participants are facing.” ... “The presentations may further stimulate further discussion during the meeting, and allow the participants to open up about the issues and struggles that they are facing during their recovery process.” ... “In the private session of a coffee shop, **more experienced individuals can pass on their experiences to less experienced ones** as well as advice as to how to overcome the obstacles that they may be facing.” ... “The communications feature of the system **further allows users to keep in constant contact with their physician, case advisor, or other users of the system.**”

The preceding text excerpts from Douglas clearly indicates that the participants e.g., patients and an experienced person e.g., physician called chairperson participate in an electronic meeting room or an online discussion forum. The definition of “forum” in Microsoft Technical Dictionary is “A medium provided by an online service for users to carry on written discussions of a particular topic by posting messages and replying to them.” During the meeting a participant can bring up an issue e.g., heart attack issue with other participants who also faces similar issues. The participants can interact by writing text or speaking in their PC. Another participant or the chairperson (i.e., a

physician) can respond to the participant's question/ issue. All of the participants have the ability of participating by the means mentioned above. The chairperson can even cut someone off from the meeting if he or she does not behave appropriately. The chairperson may show a multimedia presentation in response to an issue raised by the participants. Therefore, it is very clear that the chairperson is very much involved in the interactive discussion. Therefore the Applicant's argument that Douglas or Liles do not teach "providing a question and answer forum on the network site for access by at least one user and at least one expert, the forum having a topic; receiving a question generated by a user during the forum and providing the user generated question to the expert;" is not proper.

Liles teaches:

"One of the more common options for enabling several users of an on-line service to interact is through a chat session. A user joining a chat session is added to a list of participants and can then view comments transmitted and enter and transmit a response." ... "the person may be offered the opportunity to join another separate chat session the same topic in which others are participating. In chat sessions involving a well known personality, hundreds of people may join the session, but only the host and the moderator are active in the chat session, and all others are simply observers. However provisions may be made to enable questions previously submitted by the observers to be displayed to solicit a response from the guest. The host controls the chat session. The virtual space in which each chat session occurs is sometimes referred to as a "room," since the participants interactively communicate just as if they were meeting in a room." The preceding texts excerpts clearly indicate that hundreds of participants, a host and a well-known personality participate interactively communicate in an electronic room. Just as in a real meeting, a host arranges a meeting and a guest speaker answers questions from the participants. With

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hundreds of participants, it is not always possible to answer each questions individually, the host either presents a collection of questions from the participants to the speaker or chooses some questions over others. In any case, the host controls the chat session. The host has the ability to either receive the questions or let the questions be heard by the well-known personality. Therefore whether the guest speaker answers the question immediately or later does not have any patentable weight. The host's ability to route the questions in order is an added benefit to make the discussion more civil. It is merely a choice for host's convenience. However, the at least one speaker responds to at least one participants question. The answering may not happen immediately may happen at the end of the topic presentation. The same scenario exists in the Lile's system. The host merely collects/receives the questions generated by the user and provides the question to the well-known personality and there is a clear interaction between at least one participant and at least one expert. The well-known personality answers the participant's question. The definition of "forum" in Microsoft Technical Dictionary is "A medium provided by an online service for users to carry on written discussions of a particular topic by posting messages and replying to them." The definition of "forum" does not dictate any particular response time frame. Therefore, the Applicant's argument that neither Douglas nor Liles teach "receiving a question generated by a user during the forum and providing the user generated question to the expert" is not proper. The question and answer happens in real-time i.e., whenever the well-known personality wants to answer the question, the answer is sent immediately. The

participant's questions also are sent in real-time to the host or if the host allows to the guest speaker. The system does not hold any messages.

Applicant argues (under REMARKS section) that, Douglas or Liles do not teach "two interactive network sites having a topic".

Examiner respectfully disagrees. Douglas teaches two different network sites as shown by Fig. 14 and Fig. 15. According to Microsoft technical dictionary a "site" is nothing but a web site. Therefore a network site is just a website somewhere on the network. Two different websites can be hosted on a server on the net or each websites can be on different server. A web site can have link to another web site in the same machine or across the world in a different machine. Regardless they are two different websites on the network and hence two different network sites. Contemporary technology allows various combination of website hosting. A CORBA server application can have each method running in distant corners of the world and still be able to function together. Again multiple server application can run on the same machine and be considered separate servers. These are all age-old technologies and there are numerous examples of these technologies in numerous prior arts. The discussion is beyond the scope of this office action. Therefore Applicant's argument that neither Douglas nor Liles teach "two interactive network sites having a topic" is not proper.

Liles teaches:

"One of the more common options for enabling several users of an on-line service to interact is through a chat session. A user joining a chat session is added to a list of participants and can then view comments transmitted

and enter and transmit a response.” ... “the person may be offered the opportunity to join another separate chat session the same topic in which others are participating.” The preceding text excerpts clearly indicate that users may join two separate chat sessions on the same topic. Therefore the Applicant’s argument that neither Douglas nor Liles teach “two interactive network sites having a topic” is not proper.

Any other arguments by the applicant are more limiting than the claimed language.

3. Applicant is inaccurate for the reasons explicitly stated in the First Office Action. Examiner asserts that the Douglas and Liles teach Applicant’s invention.
4. These reasons have been explicitly stated in the First Office Action. Please see the next section.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-13, 29-40, 51-52 and 57-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Douglas et al. (U.S. Patent 6,039,688) and Liles et al. (U.S. Patent 5,880, 731).

Claim 1: FIG. 14 illustrates an on-line forum available on a network site (col. 8, lines 1- 5). The forum includes an expert (chairperson) and users (the remaining participants). The forum discusses a topic, typically related to a multi-media presentation (col. 12, lines 45-46 and lines 63-67). Payments are made by a third party to provide customers of the third party access to the site (see FIG. 54 which shows the payment costs for using the site under "Heartland Costs" and col. 19, lines 40-44 shows that a health plan incurs the cost).

Douglas et al. differs in that it does not specifically show questions and answers. However, the reference to Liles et al. illustrates an analogous Avatar based discussion forum. As taught in col. 1, lines 23-25 and lines 39-45, the participants may exchange questions and answers with an expert.

It would have been obvious to one of ordinary skill in the art to modify Douglas et al. to have the participants exchange questions and answers with an expert in order to facilitate the learning by the participants as taught by Liles et al.

Claim 2: In Douglas et al., the payments (illustrated in FIG. 54 as "Heartland Costs" are paid to use and access the network sites.

Claim 3: No patentable weight is attributable to the nature of the third party, since the nature of the third party does not affect the actual method steps being performed. Nonetheless, in Douglas et al., the third party is a health plan (col. 19, lines 38-43), which is an insurance provider.

Claim 4: In Douglas et al., the third party makes payment of the fees to access the system. Once the access is provided, personal information about the users are then collected by the system (see FIGS 3-7).

Claim 5: In FIGS. 4 and 5 of Douglas et al., the personal information includes identification information, such as the user's name.

Claim 6: Strictly speaking, a user will not provide identification information to a health plan payer (the third party) until they agree to subscribe to the health plan.

Claim 7: See remarks for claim 1. In Douglas et al., the expert is the chairperson. Any of the other participants may be considered "peer review personnel".

Claim 8: See remarks for claim 1. In Douglas et al., one "benefit" may be access to the forum of FIG. 14.

Claim 9: In Douglas et al., one benefit may be access to the forum.

Claim 10: In Douglas et al., col. 14, lines 38-52, the user may receive points for participating in the system. The points take the form of gold stars.

Claim 11: In Douglas et al., the points can be exchanged for other benefits, such as products at the village store.

Claim 12: See remarks for claim 1. The benefit may be access to the site or gold star points. The "another party" may simply be another user, such as other users that have participated in past forums.

Claim 13: The nature of the third party as a manufacturer, HMO or pharmacy carries no patentable weight since it has no bearing on the actual method steps being performed.

Claim 29: See remarks for claim 1. In Douglas et al., FIGS. 14-15 illustrate two different network sites within the system. The two sites do not have the same expert (chairperson) in Common.

Claim 30: In Douglas et al., FIG. 14 illustrates one network site having a chairperson as the expert. Other forums like that of FIG. 14 but on other topics constitute other network sites and will also include a chairperson.

Claims 31: The common expert is the chairperson. The common expert may be said to be applying materials selected by the third party in the sense that the third party (Health Plan Payer) actually selects the usage of the Heartland system. The common expert may also be considered "peer review personnel" since this is only a title rather than a description of the functions that the expert performs.

Claim 32: See remarks for claim 31. The common expert may be said to select material independently of the third party (health plan payer) in the sense that the expert selects presentations based on the known problems and needs of the users (col. 11, lines 54-58).

Claim 33: The job title or nature of the common expert carries no patentable weight since it does not affect the actual method steps being performed.

Claim 34: See remarks for claim 13.

Claim 35: See remarks for claim 1.

Claim 36: In Douglas et al. FIG. 14, responses are posted on the site in which they originate.

Claim 37: In Douglas et al. FIGS. 14-15, responses may be posted both on the site of FIG. 14 and also applied to a different site, such as that of FIG. 15.

Claim 38: In Douglas et al., the peer review personnel may be any of the other participants besides the chairperson. Responses from the participants may be posted on either of the sites of FIGS. 14 or 15.

Claim 39: In Douglas et al., the chairperson's responses only appear on the site of FIG. 14.

Claim 40: The peer review personnel may be the other participants besides the chairperson. The responses from these participants may be posted on either of the sites shown in FIGS. 14 or 15.

Claim 51: See remarks for claim 2.

Claim 52: The third party is a health plan payer and provides services related to the filed of health, just as the system of Douglas et al. provides services related to the field of health.

Claims 57-59: See remarks for claim 1.

7. Claims 14 and 23-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Douglas et al. (U.S. Patent 6,039,688) in view of Liles et al. (U.S. Patent 5,880,731) and further in view of Christensen (1752003/088461).

Claims 14 and 23: Douglas et al. and Liles et al. differ from these claims in that they do not illustrate the points earned by the participant in the forum as being used for discounts on drugs. However, Christensen teaches that a user participating in an on-line website can receive coupons leading to discounts on specific grocery items, including health and beauty items (FIG. 6) which would include medical treatments or drugs. It would have been obvious to one of ordinary skill in the art to modify Douglas et al. and Liles et al. to further permit the user to exchange the earned gold points for discount coupons so as to give the user a wider choice of available rewards (rather than limiting the user to rewards in a village store) as taught by Christensen.

Claims 24-27: The expert is the chairperson and may inherently express multiple opinions or provide multiple types of information to the participants in the forum. The peers may be other participants in the forum.

8. Claims 28 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Douglas et al. (U.S. Patent 6,039,688) in view of Liles et al. (U.S. Patent 5,880,731) and further in view of Rice et al. (U.S. Patent 6,658,467).

Claim 28: See remarks for claim 1. Douglas et al. and Liles et al. differ in that they do not disclose banner ads. Rice et al. (col 6, lines 35-52) teach that Banner ads may be applied to network websites. The advertisers receives fees based on users using the banner ad to reach the website and purchase products. The more users that access the advertiser's site and make purchases, the greater the fees obtained by the advertiser. The website supporting the ad also receives revenue for displaying the ad. A larger number of ads inherently produces a larger amount of revenue for the website operator. It would have been obvious to one of ordinary skill in the art to modify the network of Douglas et al. to include banner ads so as to permit the website sponsor to generate additional revenue as taught by Rice et al.

Claim 60: Please see remarks for claim 1.

Conclusion

9. **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Points of Contact

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Apu M. Mofiz whose telephone number is (571) 272-4080. The examiner can normally be reached on Monday – Thursday 8:00 A.M. to 4:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached at (571) 272-4083. The fax numbers for the group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

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A handwritten signature in black ink, appearing to read 'Apu M. Mofiz', with a stylized flourish at the end.

Apu M. Mofiz
Patent Examiner
Technology Center 2100

May 12, 2005